

TRACKING PROCEDURES FOR NON-CITIZENS IN ARS FACILITIES

I. Purpose

This updated document provides procedures for clearance, tracking and reporting non-citizens that visit or work in an ARS facility or office. These procedures apply to non-citizens whose visa is sponsored by a non-USDA entity as well as those sponsored by USDA.

II. USDA Sponsorship of Visas

Effective May 1, 2003, USDA Agencies regained the ability to sponsor non-citizens to come to visit and work in the United States. The Foreign Agriculture Service (FAS) and the ARS can be sponsors of non-citizens with some restrictions. Typically, the non-citizens are visiting scientists or postdocs employed as temporary scientists. (Note: Country restrictions are more stringent for those non-citizens who are to become ARS employees.) Sponsorship capability is dependent on satisfactory clearance of non-citizens, which is initiated by completion of the Non-Citizen Data Sheet (form ARS-230).

III. CIFA Name Trace Request

Completion of form ARS-230 allows ARS Office of Homeland Security (ARSHS) to initiate a Name Trace Request (NTR) of the non-citizen through the Counterintelligence Field Activity (CIFA) of the Department of Defense. At the present time NTR will be run only on workers not visitors. The NTR must be satisfactorily completed prior to the Area office forwarding the reimbursable agreement, memorandum of understanding or other paperwork to sponsor or employ non-citizens.

Additionally, non-citizens who have valid employment authorization documents, or other visas that permit them to work, must also be cleared through the name trace system prior to beginning work in an ARS facility. An exception: A non-citizen with permanent residence status does not need to undergo a NTR but must meet all other requirements. Non-citizens may also be required to have appropriate background investigation depending on the nature of the work and location of ARS facility or office.

IV. Designation of an Area POC and Back-up/Responsibilities of the Area POC

Each Area Director (AD) has appointed a central point-of-contact (POC) and backup for non-citizen tracking and visitor issues. Any changes in the Area POC and/or their backup must be reported to ARSHS. This Area POC will hold all paperwork to sponsor or employ non-citizens until a satisfactory name trace has been reported by the ARSHS.

The Area POC will also be contacted should a request be made for non-citizen visitor logs.

V. Tracking System for Non-citizen Workers in ARS Facilities and Visitors to BSL-3 Facilities

A computer-based electronic tracking system has been developed for use of ARS Homeland Security office. The database is being used to capture and track information on non-citizen workers in any ARS facility and visitors to BSL-3 facilities. The database is updated using the information on the form ARS-230. It is imperative that Locations and Areas keep ARSHS informed of the pertinent information of all non-citizens who work in an ARS office or facility and non-citizen visitors to BSL-3 laboratories.

All non-citizens who work in ARS facilities must be reported and tracked, regardless of the source of their visa sponsorship, their employer, or how/if they are paid. These non-citizens may or may not be employees of USDA. Non-citizen volunteers must also be reported.

Locations must complete the Non-Citizen Data Sheet (Form # ARS-230). It is available at the following website:

<http://www.afmtestlab.ars.usda.gov/noncitizen/data.wpd>

The form should be sent via e-mail to the Area Office who will review the form for completeness and then forward it to ARSHS (ARS_Tracking@nps.ars.usda.gov) Note: If the non-citizen is a legal permanent resident of the United States (green card), the form must be faxed (301-504-4518). It may not be E-mailed because of Privacy Act requirements.

Non-citizens may not begin work in an ARS facility until clearance is received from ARSHS in addition to any paperwork needed from FAS or HRD.

To summarize:

Non-citizen with valid Visa/Green Card, etc. B Submit completed form ARS-230 through the Area office to ARSHS. If the location wishes to support the non-citizen, upon notification by ARSHS of a clean NTR, submit a memo to FAS/ICD through the RL, I/CD, AD, ARSHS requesting establishment of a maintenance allowance.

Non-citizen needing a J-1 visa B Submit completed form ARS-230 through the Area office to ARSHS. Upon notification of a clean NTR, submit a memo to FAS/ICD through RL, I/CD, AD, ARSHS requesting issuance of an approved form DS-2019 and, if desired, establishment of a maintenance allowance.

Non-citizen needing an H-1B or TN visa in order to be employed by ARS - Submit completed form ARS-230 through the Area office to ARSHS. Upon notification of a clean NTR, submit SF-52 and accompanying documents through the Area Office to the servicing specialist within the Human Resources Division.

Changes in Status Must be Reported

If there is a change in the worker's status (visa-type, name, address, etc.), the location must update Section IV of the ARS-230 form within 5 days. Similarly, if the original data sheet was incomplete, the location must update the form and forward it through the Area Office to ARSHS as soon as the information is received.

If an anticipated USDA-sponsored non-citizen worker fails to arrive on schedule or is absent without notifying the location of the reason, locations will immediately determine the reason for non-arrival or absence and notify the Area Office and ARSHS concurrently via e-mail. ARSHS will then notify the OIG, FAS, and/or Bureau of Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) of the absence.

Extensions

Requests for extension of a USDA sponsored visa and/or maintenance allowance must be forwarded through the Research Leader (RL), Center/Institute Director, AD, to ARSHS. **DO NOT send any requests directly to FAS.**

VI. Tracking of Non-Citizen Visitors to Non-BSL-3 Facilities by Area

Each AD must also set up a system (electronic or manual), of record keeping of visitors to any non BSL-3 ARS office or

facility within his/her Area. The purpose is to provide a permanent record of non-citizens who visit ARS facilities but DO NOT work in the laboratories. This information should be accessible at all times from the Area POC in the event ARS receives a request for this information from another Agency or the Department. Areas may use the attached Non-Citizen Visitor Log or develop their own visitor log or form, which must include at least:

- * Name of Visitor
- * Date of Birth
- * Affiliation of Visitor (for whom does (s) he work)
- * Country of Origin (Citizenship)
- * Actual date(s) and time of visit
- * Person(s) hosting visitor
- * Laboratories and ARS persons to be visited
- * Purpose of visit
- * Remarks (as appropriate, including reason for failure to visit as scheduled if ARS provided a letter of invitation for the visit)

Most of the information will be recorded when the non-citizen arrives at the location for the visit.

For short-term visits to non-BSL-3 facilities: The location will (1) ensure that the visit is warranted; (2) complete the non-citizen visitor form or log required by the Area; and (3) forward it to the Area Office.

VII. Glossary

AD. Area Director. Ultimately responsible for ensuring all non-citizens in his/her Area are reported and tracked as indicated in this procedure.

ARSHS. ARS Homeland Security.

BSL-3. Biological Safety Level 3. Information regarding policy and procedures found in ARS DM 9610-1, USDA Security Policies and Procedures for Biosafety Level 3 Facilities.

CIFA. Counterintelligence Field Activity of the Department of Defense.

Contract Workers. These are people who are brought in by a ARS contracted company to complete a task (i.e.: maintenance worker, cafeteria employee, cleaning, staff, etc.).

FAS. Foreign Agriculture Service. This is the USDA Agency that issues form DS-2019 which authorizes issuance of a J-1 visa for the non citizen. This office is also responsible for processing stipends as requested by the ARS location.

HRD. Human Resources Division. This is the office within ARS that processes documentation to hire a non-citizen.

Non-Citizen. Anyone who is not a U.S. citizen. A green-card holder is a non-citizen, legal permanent resident of the U.S. There are two broad groups of non-citizens:

a. Workers. This group includes visiting scientists, students, volunteers, collaborators/consultants/ contractors, maintenance personnel, etc. Workers are generally sponsored by a federal agency, an educational institution, an organization, or their employer. They may be paying their own expenses while working in the ARS facility.

b. Visitors. This group is provided short-term access to ARS facilities for the purposes of tours, workshops/meetings, procurement, training etc. Non-citizen visitors may or may not have a sponsor; they may be foreign businesspersons or tourists, but they must have a valid visa or permanent resident status.

Name Trace Request. A database check conducted on non-citizens by CIFA.

Non-Citizen Data Sheet. This document is used to report the expected arrival of non-citizen workers. The information on this sheet will be entered into the database tracking system. This form is also used to information that was missing (not available) at the time the original data sheet was submitted.

Office or Facility. Any space used for housing ARS personnel whether purchased, leased, or acquired free of charge from a cooperator.

RL. Research Leader